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December 4, 2009

Via e-mail to mtb2009@finance-dem.senate.gov

Senate Finance Committee
219 Dirksen Senate Office Building
Washington, DC 20510

Attn: MTB

Re: Opposition to S. 2044, A bill to provide for the reliquidation of certain entries relating to orange juice from Brazil

On behalf of Florida Citrus Mutual ("FCM"), A. Duda & Sons, Inc., Citrus World, Inc., and Southern Garden Citrus Processing Corporation (doing business as Southern Gardens), Petitioners in the antidumping investigation of Certain Orange Juice from Brazil, (hereinafter referred to as "Petitioners"), we hereby file the following comments in opposition to S. 2044, a bill to provide for the reliquidation of certain entries subject to the antidumping order on orange juice from Brazil. Florida Citrus Mutual is a voluntary cooperative association whose active membership consists of thousands of Florida growers of citrus for processing and fresh consumption. FCM represents more than 90 percent of Florida's citrus growers and FCM's membership also accounts for as much as 80 percent of all oranges grown in the United States for processing into juice and other citrus products. FCM was a petitioner in the antidumping investigation of Certain Orange Juice from Brazil, in combination with A. Duda & Sons, Inc., Citrus World, and Southern Gardens, three U.S.-based processors of orange juice.

It has come to Petitioners' attention that the above-referenced bill has been introduced in the Senate to provide for the reliquidation of certain entries of orange juice that Citrus Products, Inc. ("CPI") imported from Brazil and which are subject to the antidumping order covering such merchandise. CPI is the whole owned subsidiary of Sucocitrico Cutrale Ltda, one of the largest processors of orange juice in Brazil and one of the companies specifically found by the U.S. Department of Commerce to be dumping orange juice in the U.S. market.

Petitioners oppose this legislation. CPI has not provided any evidence or rationale supporting the propriety of reliquidating the entries at issue. If U.S. Customs and Border Protection ("Customs") erred in the liquidation of the entries at issue, CPI had the opportunity to protest the alleged error to Customs by following the procedures outlined in the relevant statute and regulations (19 U.S.C. §1514 and 19 C.F.R. Part 174). CPI also had the right to protest any adverse decision by Customs to the U.S. Court of International Trade (28 U.S.C. 2631). CPI obviously failed to use these legal rights and is now seeking to circumvent the legal process by obtaining special legislation through a process which does not afford sufficient opportunity to review the facts and assess the accuracy of CPI's claims. We ask that the bill not be included in the proposed miscellaneous tariff bill or otherwise reported to the Senate for action.

Please contact the undersigned should you have any questions

Respectfully submitted,



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